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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/541,356

03/06/2006

Nobuo Oyama

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12/08/2009

WENDEROTH, LIND & PONACK, L.L.P.

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EXAMINER

GREENE, DANIEL LAWSON

ART UNIT

PAPER NUMBER

3694

MAIL DATE

DELIVERY MODE

12/08/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/541,356	<b>Applicant(s)</b> OYAMA, NOBUO	
	<b>Examiner</b> DANIEL L. GREENE JR.	<b>Art Unit</b> 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) 10 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-9 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Applicants 8/6/2009 communication has been considered and entered. Applicants 3/23/2009 response to the previous Non-Final Office action mailed 12/23/2008 has also been considered and entered. An action on the merits of pending claims 7-12 follows.

#### ***Response to Amendment/Arguments***

2. Upon consideration of arguments proffered by applicant the Notice of Non-Compliance mailed 7/21/2009 is hereby withdrawn.

3. Applicant's cancellation of claims 1-7 obviates the objections and rejections set forth in sections 5-19 of the previous Office action mailed 12/23/2008.

#### ***Specification***

4. Applicant's amendment to the abstract is acceptable. Accordingly the objection set forth in section 7 of the previous Office action is withdrawn.

#### ***Claim Objections***

5. Claim 11 is objected to because it ends with a "semicolon" and not a "period".  
Appropriate correction is required.

***Election/Restrictions***

**6. Claims 10 and 12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.**

- a. Election was made **without** traverse in the reply filed on 9/19/2008.
- b. New claims 10 and 12 set forth the same species as was previously set forth in cancelled claims 4 (species a) and 6 (species c) and are therefore withdrawn for the reasons set forth in the 8/21/2008 Restriction Requirement and subsequent 9/19/2008 election of species b.

***Claim Rejections - 35 USC § 103***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**8. Claims 7-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication US2003/013599A1 to Ahamparam et al. (Ahamparam) in view of U.S. Patent 5,214,579 to Wolfberg et al. (Wolfberg)**

**Regarding claim 7** Ahamparam discloses a method of managing a particular project of a project holder that holds a plurality of projects, said method comprising:

operating, by the trustee, a computer system comprising a credit management program, a payment management program,;

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entrusting, by the project holder to the trustee, the particular project among the plurality of projects;

investing, by the investor, in the particular project entrusted to the trustee;

recording data, by the trustee, in an investor file and a fund management file of the computer system;

Ahamparam does not appear to expressly disclose a dividend management program, agreeing in advance, by the project holder and the investor, on the dividend management program of the computer system; and performing investment recovery management, by the trustee, using the dividend management program of the computer system.

Wolfberg discloses a system which manages monitors and reports growth of a participants base with respect to progress towards achieving a predetermined target amount selected by the participant in, for example, the Abstract, which reads on a dividend management program agreed upon in advance between the project holder and the investor and performing investment recovery management, by the trustee, using the dividend management program of the computer system.

At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the teachings of Wolfberg with the method set forth in Ahamparam and to modify Ahamparam to include the teachings of Wolfberg regarding investment monitoring and estimation for the benefit of being able to track and estimate how long or when a predetermined target amount will be achieved, i.e. when will an investors investments reach a predetermined goal.

Hoffman and Wolfberg are related art because they both deal with investments.

**Regarding claim 8** and the limitations:

investigating, by the trustee, the components of the particular project;  
notifying, by the trustee, the investor of a result of an investigation; and  
determining, by the investor, investment in the particular project based on the  
result of the investigation, see for example, Ahamparam paragraphs [0018]-[0026].

**Regarding claim 9** and the limitations:

auditing, by an audit agency, progress made by the project holder on the particular  
project see for example, Ahamparam paragraph [0025].

**Regarding claim 11** and the limitations:

submitting, by the project holder, a payment to the trustee;  
operating, by the trustee, the computer system further comprising a first dividend  
management correction program;  
judging, by the audit agency, whether the payment from the project holder to the  
trustee is appropriate based on the progress made by the project holder on the particular  
project;  
performing investment recovery management, by the trustee, in accordance with  
the first dividend management correction program, when the payment is judged not to be  
appropriate see for example, Wolfberg column 26.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL L. GREENE JR. whose telephone number is (571)272-6876. The examiner can normally be reached on Mon-Thur.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. L. G./

Examiner, Art Unit 3694

2009-12-05

/James P Trammell/

Supervisory Patent Examiner, Art Unit 3694